

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A., as Trustee,

Interpleader Plaintiff,

- against -

CAYON, MAGNETAR CONSTELLATION  
MASTER FUND, LTD., CEDE & CO., as  
Holder of certain Global Notes and Preference  
Shares and nominee name of the Depository  
Trust Company, and DOES 1 through 100,  
owners of beneficial interests in the Global  
Notes and/or Preference Shares,

Interpleader Defendants.

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| DOC #:                    |
| DATE FILED: <u>6/9/08</u> |

Case No.: 1:08 CV 1297 (GEL-HBP)

Honorable Gerard E. Lynch

Magistrate Judge Pitman

**CIVIL CASE MANAGEMENT PLAN**

After consultation with counsel for all parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The Trustee must move for (or the parties must stipulate to) an order finding this action to be a proper interpleader action under 28 U.S.C. §1335(a) on or before June 11, 2008.
2. Joinder (or intervention) of additional parties must be accomplished on or before July 7, 2008.
3. The last day for each party to file a statement of its claim to the disputed funds is July 7, 2008.
4. All answers to the claims to the disputed fund must be filed on or before July 28, 2008.
5. Amended pleadings must be filed on or before August 15, 2008.
6. Any motions under Rule 12 must be filed on or before September 12, 2008.
7. All fact discovery is to be completed on or before March 11, 2009. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.

A. Rule 26(a)(1) initial disclosures must be filed on or before August 11, 2008.

- B. First requests for production of documents and interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York, if any, to be served on or before September 5, 2008. No other interrogatories are permitted except upon prior express permission of the Court.
  - C. Depositions (other than expert depositions) are to be completed by the close of fact discovery.
    - i) Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents. Depositions will begin no earlier than one month following the date on which all parties have responded to initial requests for production of documents, approximately November 1, 2008.
    - ii) Depositions shall proceed concurrently.
    - iii) Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
    - iv) Absent agreement of the parties or order of the Court, no deposition shall extend for longer than 7 hours. Any party may seek an order extending a deposition from the Court at any time.
  - D. Each party's final witness list (pursuant to Rule 26(a)(3)) is to be filed on or before January 11, 2009, with an opportunity to amend at the conclusion of expert discovery.
  - E. Subject to the status conference to be held at the end of fact discovery, Rule 26(a)(2) disclosures with respect to affirmative expert witness disclosures are to be designated on or before May 11, 2009. Rule 26(a)(2) disclosures with respect to rebuttal expert witnesses are to be designated on or before July 11, 2009. All expert discovery (including any expert depositions) is to be completed on or before September 11, 2009.
8. All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time. Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.
9. Counsel consent to trial by a U.S. Magistrate Judge.

Yes \_\_\_\_\_

No X

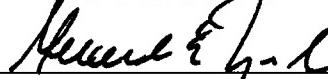
**NEXT CASE MANAGEMENT CONFERENCE WILL BE HELD ON October 24, 2008 at 10:00 a.m.**

**DATED:**

New York, New York

June 9, 2008

**SO ORDERED:**



GERARD E. LYNCH

United States District Judge